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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,280	08/01/2003	Alexis C. Weber	DP-310019	5073
7590	09/15/2005		EXAMINER	
JIMMY L. FUNKE DELPHI TECHNOLOGIES, INC. Legal Staff, Mail Code: 480-410-202 P.O.Box 5052 Troy, MI 48007-5052			LE, DAVID D	
			ART UNIT	PAPER NUMBER
			3681	
			DATE MAILED: 09/15/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/632,280	WEBER ET AL.
Examiner	Art Unit	
David D. Le	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 August 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 and 9-19 is/are rejected.

7)  Claim(s) 2-8 and 20-26 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 01 August 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/05/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/632,280, filed on 01 August 2003. Claims 1-26 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:

- Information Disclosure Statement, received on 02/05/04

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Spring 64. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claims 10-17:**

- Claim 10 recites the limitations "a plunger" and "a primary plate". It is unclear whether these limitations are different from the ones, which are first recited on line 9 of claim 9.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 9-10, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,592,492 to Kalia.**

Claims 1, 9-10, and 18-19:

Kalia (i.e., Figs. 1-3b; column 3, line 26 – column 6, line 36) discloses a brake transmission shift interlock and park lock system comprising:

- A vehicle power supply (i.e., Fig. 1, element 48);
- An ignition switch (i.e., Fig. 1, element 50) electrically coupled to the vehicle power supply;
- A brake pedal switch (i.e., Fig. 1, element 54);
- A brake transmission shift interlock actuator (i.e., Fig. 1, element 30) coupled to the ignition switch and the brake pedal switch (i.e., Fig. 1);
- Wherein the brake transmission shift interlock actuator includes:
  - A bobbin (i.e., Fig. 3a, element 78) defining open ends;
  - A plunger (i.e., Fig. 3a, element 75) slidably disposed within the bobbin;
  - A plunger rod (i.e., Fig. 3a, element 32) extending from the plunger;
  - A primary plate (i.e., Fig. 3a, being the plate that provides support for one end of the spring element 80) installed within the open end of the bobbin;
  - Wherein a magnetic force of attraction between the plunger and the primary plate inherently diminishes as the plunger approaches the primary plate (i.e., Fig. 3b);
- A transmission shift lever (i.e., Fig. 1, element 20) mechanically coupled to the brake transmission shift interlock actuator (i.e., Fig. 1); and
- An automatic transmission mechanically coupled to the transmission shift lever (i.e., Fig. 1).

***Allowable Subject Matter***

8. Claims 2-8 and 20-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 11-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Burkhard et al. (U. S. Patent No. 5,647,465) teaches a transmission shift lever and brake interlock control assembly, as shown in Figs. 1-5.
- Osborn et al. (U. S. Patent No. 5,759,132) teaches a vehicle park/lock mechanism with control module having a locking mechanism and a control switch actuated by the locking mechanism, as shown in Figs. 1-8.
- Hattori et al. (U. S. Patent No. 5,825,270) teaches an electromagnetic solenoid as shown in Fig. 1.

- Gustin et al. (U. S. Patent No. 6,315,088) teaches a spring-set, electronically release brake as shown in Fig. 2.
- Gruden (U. S. Patent Application Publication No. US 2003/0139253 A1) teaches a brake-shift lever interlock unit as shown in Figs. 1-5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*David D. Le*  
ddl

*Charles A. Marmor 9/9/05*  
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